

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JERRY WAYNE WADDLE,

Defendant.

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Case No. 8:09CR71

**REPORT AND RECOMMENDATION  
AND ORDER**

At the conclusion of the hearing on April 3, 2009, on defendant's Motion to Dismiss Indictment (#17), I stated my conclusions on the record and my decision to recommend that the motion to dismiss be denied in part, pending my ruling on paragraph 3 of defendant's motion. The government's brief addressing paragraph 3 is due by **April 10, 2009**. The defendant's brief is due **April 17, 2009**, at which time that issue will be deemed submitted.

**IT IS RECOMMENDED** to the Honorable Lyle E. Strom, Senior United States District Judge, that the Motion to Dismiss Indictment (#17) be denied in part, pending ruling on the issue set out in paragraph 3 of defendant's motion.

**FURTHER, IT IS ORDERED:**

1. The clerk shall cause an expedited transcript of the hearing to be prepared and filed.

2. Pursuant to NECrimR 57.3, any objection to this Report and Recommendation shall be filed with the Clerk of the Court within ten (10) days after the filing of the Report and Recommendation. Failure to timely object may constitute a waiver of any such objection. The brief in support of any objection shall be filed at the time of filing such objection. Failure to file a brief in support of any objection may be deemed an

abandonment of the objection.

Dated this 3<sup>rd</sup> day of April 2009.

BY THE COURT:

S/ F.A. Gossett  
United States Magistrate Judge